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Pitney Bowes Inc. Intellectual Property and Technology Law Dept. 35 Waterview Drive P.O. Box 3000 Shelton, CT 06484		<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">MORRISON, JAY A</td></tr></table>			EXAMINER		MORRISON, JAY A	
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The time period for reply, if any, is set in the attached communication.



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**Technology Center 2100**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/694,503  
Filing Date: October 24, 2003  
Appellant(s): SAGI ET AL.

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Michael J. Cummings  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 9/10/2007 appealing from the Office action mailed 8/22/2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

Smith et al. (Patent Number 6,965,895), O'Rourke et al. (Patent Number 6,990,497).

**(9) Grounds of Rejection**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5,8-13,16 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. ('Smith' hereinafter) (Patent Number 6,965,895).

As per claim 1, Smith teaches

“an inserter controller gathering machine data, the controller programmed to gather predetermined machine data comprising substantially all significant machine data from machine sensors and control routines” (column 9, lines 21-45);

“a journal storage system configured to store machine data gathered by the inserter controller” (column 10, lines 5-20) “in a compressed format” (column 12, lines 56-60);

“a data pump configured to process compressed data from the journal and to transmit the processed data in a format suitable for a particular client, the data pump processing configuration including selecting a subset of data from the journal that is of interest to the particular client” (column 12, lines 56-60; column 16, lines 8-38).

As per claim 2, Smith teaches

“the journal storage system includes journal files, wherein each journal file stores data for a different mail run” (temporal-based data, column 11, lines 18-33).

As per claim 3, Smith teaches

“the journal storage system stores machine data for a plurality of inserter machines” (multiplicity of fabs, column 19, lines 7-42) “and each data element is associated with a journal thread within the journal files” (column 10, lines 47-62).

As per claim 4, Smith teaches

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“each journal thread is associated with a particular inserter machine” (column 8, line 49 through column 9, line 13).

As per claim 5, Smith teaches

“the data stored in the journal storage system comprises event entries, thread context entries, and system information entries” (column 10, line 47 through column 11, line 6; column 11, line 42 through column 12, line 24).

As per claim 8, Smith teaches

“the data pump is configured to translate the compressed data from the journal storage system to an XML format” (column 29, lines 16-50).

As per claims 9-13, Smith teaches

These claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-5 and are similarly rejected.

As per claim 16, Smith teaches

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 8 and is similarly rejected.

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-7,14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. ('Smith' hereinafter) (Patent Number 6,965,895) as applied to claims 1 and 9 above, respectively, and further in view of O'Rourke et al. ('O'Rourke' hereinafter) (Patent Number 6,990,497).

As per claim 6,

Smith does not explicitly indicate "the data pump is configured to determine whether clients are currently active".

However O'Rourke discloses "the data pump is configured to determine whether clients are currently active" (request, column 9, lines 48-60).

It would have been obvious to one of ordinary skill in the art to combine Smith and O'Rourke because using the steps of "the data pump is configured to determine whether clients are currently active" would have given those skilled in the art the tools to improve the invention by responding to clients. This gives the user the advantage of being able to service clients.

As per claim 7,

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Smith does not explicitly indicate “the data pump is configured to track what data has been transmitted to each client, and whereby if a particular client goes offline, the data pump is configured to resume transmittal at a point where transmittal was interrupted”.

However O'Rourke discloses “the data pump is configured to track what data has been transmitted to each client, and whereby if a particular client goes offline, the data pump is configured to resume transmittal at a point where transmittal was interrupted” (column 10, lines 17-38).

It would have been obvious to one of ordinary skill in the art to combine Smith and O'Rourke because using the steps of “the data pump is configured to track what data has been transmitted to each client, and whereby if a particular client goes offline, the data pump is configured to resume transmittal at a point where transmittal was interrupted” would have given those skilled in the art the tools to improve the invention by not requiring uninterrupted availability. This gives the user the advantage of not losing data if transmission is interrupted.

As per claims 14-15,

These claims are rejected on grounds corresponding to the arguments given above for rejected claims 6-7 and are similarly rejected.



**(10) Response to Argument**

With respect to claims 1 and 9, Applicant argues that Smith does not disclose a system using an inserter controller or a method for gathering inserter machine data, it is respectfully submitted that Smith does disclose these limitations. Smith discloses:

"a data gathering process or module that obtains different types of data from any one of a number of different types of data sources in a fab such as, for example, and without limitation: (a) Lot Equipment History data from an MES ("Management Execution System"); (b) data from an Equipment Interface data source; (c) Processing Tool Recipes and Processing Tool test programs from fab-provided data sources; and (d) raw equipment data such as, for example, and without limitation, Probe Test data, E-Test (electrical test) data, Defect Measurement data, Remote Diagnostic data collection, and Post Processing data from fab-provided data sources." (column 9, lines 23-34)

In support of his assertion, Applicant states that "the nature of the inserter controller and machine are significant in that the manner of handling and processing data gathered by such components is different [than] that in the circuit manufacturing industry". Respectfully in answer, it is not clear from the claim or the Applicant's argument exactly how it is different from the data gathering process or module as disclosed in the citation by Smith and it is suggested that perhaps the Applicant could make it clear by adding more limitations to the claim specifying how it is different.

Also regarding claims 1 and 9, Applicant further argues that Smith does not disclose the "data pump" element or step for "processing compressed data from the journal and transmitting the processed data in a format suitable for a particular client". It is respectfully submitted that the following citations from Smith teach these limitations:

"Raw data archive file: this line in the Configuration file designates if

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an archived copy of the original data should be kept--using this option will result in the file being compressed, and stored in an archive directory structure." (column 12, lines 56-59)

"FIG. 4 illustrates a logical data flow of a method for structuring an unstructured data event into Intelligence Base 3050 in accordance with one embodiment of the present invention. As shown in FIG. 4, at box 4010, fab data is retrieved from fab data warehouse 4000. This fab data may be in any one of many different forms, and may have originated from any one of many different sources, including, without limitation, historical data from databases, and real time data from process tool monitoring equipment such as, for example, and without limitation, sensors. Next, the unformatted data is fed to data parser 4020. It should be understood that the manner and frequency at which the data is retrieved from fab warehouse 4000 does not affect the behavior of data parser 4020, database loader 4040, or Intelligence Base 3050. Next, data parser 4020 outputs formatted data stream 4030 wherein the formatted data is in a format that is acceptable by database loader 4040". (column 16, lines 8-24)

In examining and applying these citations from Smith to the argued limitations, it is noted that in the first citation, column 12, lines 56-59, that the data gathered by the system can be compressed in an archive. Later, the "fab data" (column 16, line 12) from this compressed archive ("historical data", column 16, line 15) is output via the data parser to a formatted data stream (column 16, lines 22-23, figure 4, items 4020 and 4030) in a format acceptable for the database loader (column 16, line 25 and figure 4, item 4040). Clearly, this maps directly to "processing compressed data from the journal and transmitting the processed data in a format suitable for a particular client", where compressed data from the journal is Smith's compressed archive, and transmitting the processed data in a format suitable for a particular client is Smith's formatted data stream in a format acceptable for the database loader.

Applicant further argues that the specification of the present application further defines his claim, but it is respectfully submitted that if the Applicant wishes to have

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these limitations added to the claim then they should be explicitly added. Smith clearly teaches the limitations as claimed.

With respect to claims 2-5 and 10-13, Applicant argues that Smith does not disclose that the journal file stores data for a different mail run. Respectfully, this claim can be interpreted as the journal file containing a specific set of data for processing. It is submitted that Smith defines these sets of data in terms of a temporal data file, or data captured during a certain span of time and stored in a file for processing:

“An important part of this data translation algorithm is a method of translating temporal-based operating condition data generated within processing (factory or assembly-line) tools during wafer processing into key integrated circuit specific statistics that can then be analyzed in a manner that will be described below...” (column 11, lines 24-29)

“b. translating temporal-based processing tool data received by ASP Data Transfer module 3010 from a variety of, for example, and without limitation, ASCII data, file formats into a generic temporal-based data file format using the Configuration file.” (column 11, lines 37-41)

It is clear from these Smith citations that can have different sets of data which can be stored for later processing in the same manner in which the instant applicant claims different sets of data, which it intends to use for a different mail run. Although intended use is not required to be taught, Smith's temporal data can be processed in the same manner as the claimed different mail runs (see arguments regarding outputting a formatted data stream regarding claims 1 and 9, above). Therefore, it is respectfully submitted that these limitations are taught by Smith.

With respect to claims 6 and 14 rejected under 35 U.S.C. 102(e) as anticipated by Smith, it is noted that these claims were rejected under 35 U.S.C. 103(a) as being obvious over Smith in view of O'Rourke, and not as being anticipated by Smith as argued by the Applicant. In fact the Final Action mailed 8/22/2006 states that Smith does not in fact teach the limitation and that it is disclosed by O'Rourke. Therefore it is agreed that Smith fails to explicitly indicate the feature as argued by Applicant.

With respect to claims 6-7 and 14-15, Applicant argues that O'Rourke does not disclose determining whether clients are currently active or resumption of transmitting data when a client comes back online. It is respectfully submitted that O'Rourke teaches:

"In one implementation, this playlist access is responsive to a request for streaming media content represented in the playlist from a client device that is connected to a streaming media server that implements server-side playlists."  
(column 9, line 53-57)

"At block 512, the data stream not having been interrupted, the procedure continues with the implementation of any playlist instructions. At block 514, the procedure determines if it has reached the end of the playlist. If so, the procedure ends. Otherwise, the procedure continues streaming the referenced data and is receptive to any requests to interrupt the data stream as described above in reference to block 510.

"At block 516, the data stream having been interrupted (e.g., in response to a request by a supervisory component 224 of FIG. 2), the procedure processes the interrupt, which may require the modifying the playlist, interrupting currently streaming content to stream other specified content, and/or the like. At block 512, the procedure continues to stream data (if any) that is referenced by the playlist according to the playlist instructions." (column 10, lines 20-37)

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In the first citation, column 9, lines 53-57, the streaming media server determines that the client device is connected in order to stream the media content, which discloses the claimed "determining whether clients are currently active". The second citation, column 10, lines 20-37, shows that if the data stream is interrupted then the procedure processes the interrupt. This can be the client interrupting the streaming to stream a different media, which means the streaming media server will again have to determine that the client device is connected as shown in the first citation (column 9, lines 53-57). It is therefore respectfully submitted that O'Rourke teaches these claims.

Conclusion:

The references cited disclose the claimed system and methods for gathering and transmitting detailed inserter machine data to one or more clients. In light of the forgoing arguments, the examiner respectfully requests the honorable Board of Appeals and Interferences to sustain the rejection.

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**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Respectfully submitted,

/Jay Morrison/

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November 29, 2007

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